

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KNOLL, INC.

Plaintiff and Counter-  
Defendant,

No. 11 Civ. 0488 (AKH)

-against-

ECF Case

MODERNO, INC. AND URBAN MOD, INC. D/B/A  
REGENCY SHOP, AND MIKE SAXENA

Defendants and Counter-  
Plaintiffs.

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**NOTICE OF MOTION TO VITIATE  
PRIVILEGE BASED ON THE CRIME-  
FRAUD EXCEPTION AND COMPEL  
PRODUCTION OF WITHHELD  
MATERIALS**

Defendants and Counter-Plaintiffs Moderno, Inc, Urban Mod, Inc, and Mike Saxena, by and through their attorney Janeen Lambert, bring a motion to vitiate privilege based on the crime-fraud exception and compel production of withheld materials.

The accompanying brief in support of this motion further lays out the grounds in support of this motion.

Dated: September 7, 2013

Respectfully Submitted,

By: s/ Janeen Lambert

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**CERTIFICATE OF SERVICE**

Defendants and Counter-  
Plaintiffs.

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The within Notice of Motion for motion to vitiate privilege based on the crime-fraud exception and compel production of withheld materials, the brief supporting that motion, and the declaration of Janeen Lambert in support of the motion were served on all parties through the ECF filing system, excepting exhibits A, C, D, E, F, K, L, M, and N to the declaration of Janeen Lambert, which are to be filed under seal, and were served on the following parties through U.S. Mail:

George Gottlieb, Marc Misthal, and Samantha Gail Rothaus  
GOTTLIEB, RACKMAN & REISMAN, P.C.  
270 Madison Avenue, 8th Floor  
New York, New York 10016-0601

John Allan Conkle and Mark D Kremer  
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3130 Wilshire Boulevard Suite 500  
Santa Monica, CA 90403-2351

Dated: September 7, 2013

By: s/ Janeen Lambert  
Janeen Lambert